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CLERK'S OFFICE
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FILED

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT

14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 IN THE MATTER OF THE SEIZURE OF
16 \$43,100.21 IN BANK FUNDS SEIZED
17 FROM BANK OF AMERICAN ACCOUNT
18 '9342 AND \$154,040.78 IN BANK
19 FUNDS SEIZED FROM BANK OF AMERICA
20 ACCOUNT '0071

CR MISCM NO. 6M 18-1803

21 STIPULATION TO EXTEND THE DEADLINE
22 TO FILE CIVIL FORFEITURE COMPLAINT

23 [PROPOSED ORDER LODGED
24 CONTEMPORANEOUSLY HEREWITH]

25 It is hereby stipulated by and between the United States of
26 America (the "government") and claimants Daniel Hyer and Melissa
27 Deeann Roy Hyer ("claimants"), through their counsel, K.C. Maxwell,
28 regarding \$43,100.21 in Bank Funds Seized from Bank of American
Account '9342 and \$154,040.78 in Bank Funds Seized from Bank of
America Account '0071 (the "defendant funds"), as follows:

1. Claimants have filed a written claim in administrative

1 forfeiture proceedings with the United States Postal Inspection
2 Service ("USPIS") with respect to the defendant funds.

3 2. The government asserts that USPIS has sent the written
4 notice on intent to forfeiture required by 18 U.S.C. § 983(a)(1)(A)
5 to all known interested parties. Under 18 U.S.C. § 983(a)(2)(A)-(E),
6 the time has either expired or been tolled for any person to file a
7 claim to the defendant funds. No person other than the claimants
8 have filed a claim to the defendant funds as required by law in the
9 administrative forfeiture proceeding.

10 3. Under 18 U.S.C. § 983(a)(3)(A), the United States is
11 required to file a complaint for forfeiture against the seized funds
12 and/or to obtain an indictment alleging that the seized funds are
13 subject to forfeiture within 90 days after a claim has been filed in
14 the administrative forfeiture proceedings, which in this case is
15 October 9, 2018, but the statute provides for an extension of this
16 date by court order or upon agreement of the parties.

17 4. Presently, the deadline for the United States to file a
18 civil forfeiture complaint is set to expire October 9, 2018.
19 However, claimants do not desire that the government initiate a civil
20 forfeiture action against the defendant funds at this time, because
21 the parties desire additional time to discuss resolution of the
22 matter.

23 5. On March 28, 2018, and on July 25, 2018, in the District of
24 Arizona, the government filed an indictment and a first superseding
25 indictment, respectively, seeking criminal forfeiture of these same
26 defendant assets, with a trial date presently set for January 15,
27 2020.

1 6. On October 9, 2018, at approximately 3:55 p.m., in order to
2 provide the parties an opportunity to settle the matter, as provided
3 by 18 U.S.C. § 983(a)(3)(A), claimants' counsel contacted government
4 counsel to agree to seek to extend the time in which the United
5 States is required to file a civil complaint for forfeiture against
6 the seized currency. Unfortunately, by the time claimants' counsel
7 was able to contact government counsel, the clerk's office had closed
8 for the day.

9 7. However, the parties agree that the deadline by which the
10 United States shall be required to file a complaint for forfeiture
11 against the seized currency and/or to obtain an indictment alleging
12 that the assets are subject to forfeiture shall be extended to
13 January 22, 2020 (that is, one week after the presently scheduled
14 trial date for the related criminal proceeding). 

15 8. Claimants knowingly, intelligently, and voluntarily gives
16 up any right they may have under 18 U.S.C. § 983(a)(3)(A)-(C) to
17 require the United States to file a complaint for forfeiture against
18 the defendant funds by October 9, 2018, and any right they may have
19 to seek dismissal of any complaint on the ground that it was not
20 filed on or before such date.

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NOW, THEREFORE, the parties hereto, by and through their respective attorneys, hereby STIPULATE AND REQUEST that the government's time to file a civil forfeiture complaint in connection with the seizure of the defendant currency be extended to and including January 22, 2020.

SO STIPULATED

Dated: October 9, 2018

Respectfully submitted,

NICOLA T. HANNA
United States Attorney
LAWRENCE S. MIDDLETON
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/John J. Kucera

JOHN J. KUCERA
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

Dated: October 9, 2018

/s/ (per e-mail confirmation)

KC MAXWELL

Attorney for Claimants
DANIEL HYER
MELISSA DEEANN ROY HYER

1 **PROOF OF SERVICE BY MAILING**

2 I am over the age of 18 and not a party to the within
3 action. I am employed by the Office of the United States
4 Attorney, Central District of California. My business address
5 is 312 North Spring Street, 14th Floor, Los Angeles, CA 90012.

6 On October 1, 2018, I served a copy of: **STIPULATION AND**
7 **REQUEST TO FURTHER EXTEND THE DEADLINE TO FILE CIVIL FORFEITURE**

8 **COMPLANT** upon each person or entity named below by enclosing a
9 copy in an envelope addressed as shown below and placing the
10 envelope for collection and mailing on the date and at the place
11 shown below following our ordinary office practices.

12 **TO: K.C. MAXWELL**

13 235 MONTGOMERY ST. #1070

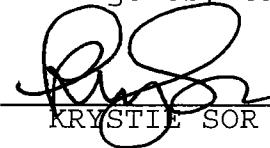
14 SAN FRANCISCO, CA 94104

15 x I am readily familiar with the practice of this office for
16 collection and processing correspondence for mailing. On the
17 same day that correspondence is placed for collection and
18 mailing, it is deposited in the ordinary course of business with
19 the United States Postal Service in a sealed envelope with
20 postage fully prepaid.

21 I declare under penalty of perjury under the laws of the
22 United States of America that the foregoing is true and correct.

23 I declare that I am employed in the office of a member of
24 the bar of this court at whose direction the service was made.

25 Executed on: October 1, 2018 at Los Angeles, California.

26 
27 KRYSTIE SOR
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